MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JUNE 22, 2017

Present: Darryl C. Aubrey, Sc.D., Mayor
Robert A. Gebbia, Vice Mayor
Mark Mullinix President Pro Tem
David B. Norris, Councilmember
Susan Bickel, Councilmember
Andrew D. Lukasik, Village Manager
Len Rubin, Village Attorney
Melissa Teal, Village Clerk

ROLL CALL
Mayor Aubrey called the meeting to order at 7:30 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE
President Pro Tem Mullinix gave the invocation and Vice Mayor Gebbia led the public in the Pledge.

APPROVAL OF MINUTES
The Minutes of the Regular Session held June 8, 2017 were approved as written.

STATEMENTS FROM THE PUBLIC
Representative Rick Roth, District 85, and Senator Bobby Powell, District 30, reviewed the 2017 Legislative Session.

Richard Freseman, 419 Anchorage Lane; described his contacts with the Palm Beach County Traffic Division and the Florida Department of Transportation in an effort to have traffic signals for pedestrian crossings on U.S. Highway One updated to a visual count down by seconds. Mr. Freseman provided printed copies of his comments.

DECLARATION OF EX PARTE COMMUNICATIONS
The following ex parte communications were disclosed regarding the Memory Care project:

Councilmember Bickel reported discussions with Rick Sartory, Tim Hullihan, Rick Asnani, Doug DeSantis, and Jeff Zito.

President Pro Tem Mullinix reported a discussion with Rick Sartory.

Councilmember Norris reported a discussion with Marty Perry.

Vice Mayor Gebbia reported discussions with Doug DeSantis and Karen Marcus.
NORTH PALM BEACH COMMONS MEMORY CARE

Mr. Lukasik advised Council that staff recommended denial of the applications for rezoning, commercial planned unit development, and site plan approval, due to the inconsistency of the applications with the Village’s Comprehensive Plan, the zoning code, and the Master Plan report. Mr. Lukasik noted the change in zoning would limit the uses that are allowed within the U.S. Highway One corridor.

Village Planner Erin Sita gave a presentation on the application submitted by Joni Brinkman, Urban Design Kilday Studios, on behalf of Commons at North Palm, LLC and 639 US Highway 1, LLC for rezoning, commercial planned unit development (CPUD), and site plan approval for the North Palm Beach Commons Memory Care project on two parcels of real property totaling 2.72 acres located on the west side of U.S. Highway One, between Lighthouse Drive and Ebbtide Drive.

Property owner Martin Perry addressed the Council on behalf of the applicant. Debbie Wilkinson, Senior Associate, Harvard Jolley Architecture, and Stan Geberer, Senior Associate, Fishkind and Associates, gave presentations on behalf of the applicant.

Mayor Aubrey opened the public hearing.

John Samadi, 512 Marlin Road; stated the project is mediocre, has inadequate parking, and does not conform to the livable community envisioned in the Master Plan.

Donald Solodar, 100 Lakeshore Drive; expressed support for the applicants and the project and urged Council to vote in favor.

Carl Mistretta, 404 Inlet Road; stated the Village Center would be the Country Club; residents in his neighborhood do not want Eastwind Drive opened up to U.S. 1 as shown in the Master Plan; expressed support for the Silver Companies and a one-story Memory Care building.

Lisa Jensen, 606 Shore Road; noted that Village staff and the Planning Commission recommended denial; the Master Plan concept is for a more active use than the proposed project; stated she was not in favor of the project in its current location.

George Gentile, 1907 Commerce Lane, Jupiter; commented that the site is not appropriate for a Village Center, and encouraged support of the project.

Charlie Gideon, 537 Marlin Road; commented on the number of restaurants already existing on the U.S. 1 corridor; expressed support for the Memory Care facility and noted the need for this use.

Janet Smith, 620 Eastwind Drive; expressed concern that the setback waiver places the project closer to the alley and to her property; asked if the rezoning could be restricted to prevent alternative uses outside of the requested development.

Tim Wheat, 521 Quadrant Road; supported the project and urged Council to vote in favor.

Bill Reichel, commercial real estate developer, Palm Beach Gardens; supported the project and urged councilmembers to vote in favor.

Richard Freseman, 419 Anchorage Lane; asked that Council seriously consider staff and Planning Commission recommendations and deny the project. Mr. Freseman provided printed copies of his comments.

There being no further public comment, Mayor Aubrey closed the public hearing.
NORTH PALM BEACH COMMONS MEMORY CARE continued

Council discussion ensued. Concerns were expressed regarding the ten-foot front setback waiver and its potential impact on the U.S. Highway One corridor; walling off the alleyway; and rezoning the parcel prior to formulating new land development regulations. It was noted that the allowed uses for the associated commercial building include offices, restaurants, or other C-1A uses, but not retail. Discussion ensued as to whether retail could be permitted. Mr. Rubin referenced the similar use provision, which allows uses that are not specified but are similar to permitted uses, and stated the applicant could request Council consideration of a specific use through this process at a later date.

SECOND READING OF ORDINANCE 2017-06 – REZONING 2.72 ACRES OF PROPERTY

A motion was made by Vice Mayor Gebbia and seconded by Councilmember Norris to adopt and enact on second reading Ordinance 2017-06 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, REZONING TWO PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 2.72 ACRES LOCATED ON THE WEST SIDE OF U.S. HIGHWAY ONE NORTH OF EBBTIDE DRIVE AND SOUTH OF LIGHTHOUSE DRIVE AS MORE PARTICULARLY DESCRIBED HEREIN, FROM THE C-A COMMERCIAL ZONING DISTRICT TO THE C-1A LIMITED COMMERCIAL ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Thereafter, the motion to adopt and enact Ordinance 2017-06 on second reading passed 3-2, with Councilmember Norris, Vice Mayor Gebbia, and Mayor Aubrey voting in favor, and President Pro Tem Mullinix and Councilmember Bickel opposed.

Mr. Perry explained the applicants' objections to two conditions for approval: (1) expansion of the length of the pergola located on U.S. Highway One to approximately 60 feet in length, and (2) installation of a pedestrian path linking the alleyway on the west side of the property to the sidewalk adjacent to the Memory Care facility. Mr. Perry requested elimination of these conditions. Mrs. Sita explained the purpose for these conditions. Council discussion ensued.

A motion was made by Vice Mayor Gebbia and seconded by Councilmember Norris to eliminate the conditions for the pergola and the pedestrian path and to adopt and enact on second reading Ordinance 2017-07 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, CREATING A PLANNED UNIT DEVELOPMENT ON APPROXIMATELY 2.72 ACRES OF REAL PROPERTY LOCATED ON THE WEST SIDE OF U.S. HIGHWAY ONE NORTH OF EBBTIDE DRIVE AND SOUTH OF LIGHTHOUSE DRIVE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE DEVELOPMENT OF THE PROPERTY IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS, WAIVERS AND CONDITIONS REFERENCED IN THIS ORDINANCE; PROVIDING PROCEDURES FOR FUTURE MODIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Thereafter, the motion to adopt and enact Ordinance 2017-07 on second reading passed 4-1, with Councilmember Norris, President Pro Tem Mullinix, Vice Mayor Gebbia, and Mayor Aubrey voting in favor, and Councilmember Bickel opposed.
SECOND READING OF ORDINANCE 2017-09 – CRYSTAL COVE COMMONS CPUD

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Bickel to adopt and enact on second reading Ordinance 2017-09 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, CREATING THE CRYSTAL COVE COMMONS COMMERCIAL PLANNED UNIT DEVELOPMENT ON APPROXIMATELY 7.86 ACRES OF REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF LAKESHORE DRIVE AND U.S. HIGHWAY ONE CURRENTLY KNOWN AS CRYSTAL TREE PLAZA AND AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE DEVELOPMENT OF THE PROPERTY IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS, WAIVERS AND CONDITIONS REFERENCED IN THIS ORDINANCE; PROVIDING PROCEDURES FOR FUTURE MODIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Planner Erin Sita gave a presentation on the proposed Crystal Cove Commons project, including waivers and conditions. Mrs. Sita reviewed the resubmitted photometric plan. Mrs. Sita confirmed receipt of additional civil and engineering plans for the proposed outdoor seating area and reported the Village Engineer approved the conceptual plans for drainage. Mrs. Sita stated staff recommended approval of the project and described the conditions of approval.

Landscape Architect Nick Mihelich, Urban Design Kilday Studios, confirmed agreement with all the conditions of approval.

Mayor Aubrey opened the public hearing. There being no comments from the public, Mayor Aubrey closed the public hearing.

Thereafter, the motion to adopt and enact Ordinance 2017-09 on second reading passed unanimously.

CONSENT AGENDA APPROVED

President Pro Tem Mullinix moved to approve the consent agenda. Councilmember Norris seconded the motion, which passed unanimously. The following items were approved:

Resolution 2017-46 approving a Closing Agreement with the Internal Revenue Service regarding Worker Classification and authorizing the Village Manager to execute the Closing Agreement and an Assessment Agreement for additional taxes

Resolution 2017-47 approving the Anchorage Drive Bicycle Lane Project and supporting the filing of an application with the Palm Beach County Metropolitan Planning Organization for federal Transportation Alternatives Program funds

Receive for file Minutes of the Planning Commission meeting held 5/2/17

Receive for file Minutes of the Recreation Advisory Board meeting held 6/13/17

VILLAGE COUNCIL MATTERS/REPORTS

Vice Mayor Gebbia reported the South Florida Water Management District (SFWMD) had received grant funding for various projects, which could include enhancements of waterways and seawalls, stormwater retrofits, and septic/sewer conversions. Vice Mayor Gebbia suggested that staff investigate opportunities to obtain grant funding through SFWMD for Village projects.
President Pro Tem Mullinix commented on the U.S. Highway One pedestrian signals and the short time allotted to cross the road.

Mayor Aubrey asked Mr. Lukasik what actions the Village could take regarding the traffic crossing signals. Mr. Lukasik will follow up with Mr. Freseman and investigate what the Village can do in this regard.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 10:20 p.m.

Melissa Teal, MMC, Village Clerk